

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH *JHR*

THOMPSON *AT*

CHILCOTT *g*

DRISCOLL *ND*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,  
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg  
Chilcott and Commissioner Kathleen Driscoll

Date.....September 26, 2008

Minutes: Beth Perkins

- ▶ The Board met for approval of the plans for Hangar #288 at the Airport. Present was Airport Manager Page Gough. Page gave an overview and stated the plans have been approved by the Airport Board but needs the Commissioners' approval to continue. **Commissioner Thompson made a motion to approve moving forward with Hangar #288. Commissioner Rokosch seconded the motion and all voted 'aye'.**
- ▶ The Board met for civil litigation issues with Civil Counsel. Closed door was invoked.
- ▶ The Board met to discuss legal projects priority meeting with Civil Counsel Karen Mahar. County Attorney George Corn and Planner John Lavey were also present. Karen gave an overview of the previously identified priorities by the Board. She stated they are estimating one month for legal review of zoning with Draft C. George stated it would require a block of time such as four hours to sit down and concentrate without any interruptions. Karen then reviewed the Planning Department priority list and how it is construed. She requested all departments to develop such a list for legal review. George advised the Board to not continue with some priorities (zoning) until after the election. Commissioner Rokosch stated he agrees with George but should continue with some aspects in order to not fall behind.

Commissioner Chilcott stated to his understanding, there will be no implementation or enforcement of the streamside setbacks until after the election. Karen confirmed with yes. Board discussion followed regarding the possibility of the Growth Policy being repealed and the outcome.

Commissioner Rokosch recommended placing the implementation of impact fees at the top of the list for priorities. Commissioner Chilcott suggested not making it a priority now because MACo is suggesting cleaning up the impact fee law. He believes it may be addressed in this session. He does not support making it a priority before this session. Commissioner Grandstaff stated the Board could move forward with Corvallis School District. Karen stated she could list it as tentative. Commissioner Thompson reiterated Commissioner Chilcott's previous statement. He further stated it requires unanimous decision of the Board and at this time he is not in favor of it. George stated other counties are using the bill to collect impact fees. It is not perfect; however, it is being done. He suggested moving forward regardless of any possible changes with legislation. Further discussion followed regarding the proposed MACo legislation for changes on impact fees.

Karen stated there are three pending suits with floodplain. She stated there is Open Land training next week. She stated they will discuss Mae Nan's suggestions for a timeline for the program. George requested the Board to discuss with the Land Trust for any upcoming projects to allocate Staff time. Karen stated there is a meeting next week to discuss that. John stated it is in the conversation stage and there is a project coming.

Karen reviewed roads. George stated he is finishing with Mr. McCluskey for his road issue. Administrative Assistant Glenda Wiles gave George the resolution on Wednesday to finish the abandonment. Karen stated roads are going to be on her list of responsibilities in terms of subdivision review and pro rata. There are several roads projects out there and she will speak with David Ohnstad next week. George stated Meridian Road has been paved. Karen stated she will follow up with David for Meridian Road.

Karen reviewed the project list for the Planning Department. She stated the role of the Planning Department and voluntary zoning districts need to be addressed. She has reviewed the Clarion contract revisions. Karen discussed the use of electronic communications in litigation and procedures.

Karen stated there are two pending personnel grievances which are human rights complaints. She stated MACo will be handling them. She stated Robert will be handling any remaining personnel issues.

Karen stated they are hoping to have a new attorney in place by November 1<sup>st</sup>. Commissioner Grandstaff requested a meeting in October to discuss personnel after the meeting with the City for an inter-local agreement. Commissioner Rokosch stated he would like a comprehensive review of the priorities and set top priority with impact fees. Commissioner Driscoll stated there has to be some coordination with all parties involved. John stated the Planning Department has been working on some issues. Commissioner Grandstaff requested John to coordinate the meeting. Commissioner Rokosch stated setting aside zoning, there is still significant questions with annexation. Commissioner Chilcott stated Staff needs to come up with the basic elements for an MOU to be able to

move ahead. Commissioner Driscoll stated the Board gets anxious with specialties and then overstep each other. This needs to be focused.

Karen stated she will schedule another meeting in October to review priorities. She discussed unpaid invoices from Marcus Daly. She stated they submitted outrageous bills without justification or referrals and after a three year period. There needs to be resources within the accounting department. Commissioner Driscoll stated there is a full time person to review the action of these bills. George stated they total over \$170,000. They keep finding bills and then submitting them. Karen stated she spoke to both Comptroller Jana Exner and Internal Auditor Klarryse Murphy about the back billing. It is going to entail an auditor to review these bills. Karen explained the process of normal billing with the Board and the process of billing with Medicaid. Commissioner Grandstaff stated she is meeting with the Internal Auditor on Monday and will discuss this with her.

► The Board met for an Impact Fees status meeting with Civil Counsel Karen Mahar and Planner John Lavey. Present were Impact Fee Advisory Committee members John Meakin, Bob Harkin and Richard Ellis. Roger DeHaan, John Horat, Chip Pigman, and Ben Hillicoss also attended.

Karen gave an overview of the progress to date and the options for proceeding. She stated John Meakin has been working on drafting a resolution to implement impact fees for the school districts. Karen asked if the Board wants to move forward with implementing an “umbrella” resolution. She stated there is a request from Corvallis School District and she asked how the Board wants to move forward with those. John Meakin stated the “umbrella” would come first and then Corvallis School District.

John Meakin stated he is not sure if it is a resolution or ordinance. Commissioner Rokosch stated it could include the building infrastructure and roads. He discussed fire and school districts having responsibilities. There is intent to move forward. Commissioner Chilcott asked if the intent has been established by forming an Impact Fee Advisory Committee. Commissioner Driscoll replied it is an understanding and a baseline to the community. John Meakin stated by establishing a committee, it does not show intent of the Board to support impact fees. He will forward the cover letter and draft resolution to Civil Counsel.

Chip Pigman stated the code states establishing the Impact Advisory Fee Committee shows intent.

Commissioner Thompson stated he is not in agreement for the impact fees for school districts. If it is an appropriate impact fee, then he is in agreement. To pass impact fees and allow different districts to assess and get money is a problem. He is worried about first time homebuyers and low income folks with the result being medium homes costing a million dollars. Some impact fees are appropriate but they need to be justified.

Commissioner Rokosch stated within the impact fee law, a professional assessment has to be done. In both cases, the school districts have done that. The law allows the

Commissioners to make an overall decision of what is appropriate. He understands Commissioner Thompson concerns, however in the absence of impact fees it will pass those impacts onto the existing homeowners. He discussed the costs being implemented on those existing homeowners who are low income, seniors and young couples who are first time homeowners and now have to find a way to pay those impacts. Commissioner Driscoll stated the landowner gets his money, the bank gets their money, real estate agent gets their money but the taxpayer does not get any money. She discussed low income, seniors, and fixed income not paying impact fees. Commissioner Grandstaff stated the Corvallis School District asked for a bond for a new high school and it failed. The only way to offset those costs is to approve impact fees. Commissioner Thompson stated the amount of money requested by Corvallis School District is unreasonable. John Meakin stated it is a discussion to have when Corvallis School District is brought up. This is a letter of intent and does not require anyone to pay anything. Corvallis is ready and people are waiting to see if this Board is serious about impact fees. The study has been completed by Tischler-Bise and it meets the letter of what the MCA requires. John stated low income housing is a big issue and it is a lot more complex. He used an example of low income housing being sold and then it becomes a regular market cost home. Richard stated low income housing is used to mitigate the cost of growth. Impact fees are used in several other states. The policy statement should be simple and fulfills the intent of the Impact Fee Advisory Committee. If the Board adopts the resolution they can then review requests on a case by case basis.

Commissioner Rokosch stated the options are to direct the committee to have legal counsel review the resolution, receive the advisory recommendation from Corvallis and then forward to legal and make this a top priority for legal counsel. Commissioner Chilcott requested a list of priorities from legal counsel. Karen replied the priorities are zoning, impact fees, floodplain, Open Lands, roads and Planning Department. It would bump roads and Planning Department. Commissioner Chilcott stated this is not a message he would like to send to the citizens without reviewing carefully. He discussed low income housing and salaries and how those decisions have to be made when adopting impact fees. Further discussion followed regarding low income housing and the effects of impact fees.

Commissioner Grandstaff stated the Impact Fee Advisory Committee submitted a cover letter and resolution for legal review. John Meakin stated Corvallis has submitted their request and he would like to work with Karen Mahar to create a resolution or ordinance for their impact fees. Commissioner Chilcott requested the status on Florence-Carlton School District study. John Meakin replied the school has not responded due to requiring both Missoula County and Ravalli County approval. Missoula County has not replied yet and therefore they cannot move forward. Commissioner Thompson stated the legislature will look at the impact fee law in session. MACo adopted a resolution to support those changes being looked at. Tischler-Bise specifically stated they could see less money to address those impacts such as Sheriff's Office. He discussed the difference between mitigation fees and impact fees and possibly collecting less by adopting impact fees. He stated nothing says it is going to increase for services other than education. John Meakin stated this is the reason for the individual studies. Commissioner Grandstaff stated this

will allow the Board to have basis for the requests for mitigation. Commissioner Chilcott stated money collected for mitigation currently cannot be collected by impact fees.

Commissioner Driscoll stated there is a big subdivision coming in the city and the county cannot touch it for mitigation of impacts to services. This would be a step forward to collect funds to address impacts.

John Horat stated this creates a countywide impact fee resolution. He asked if this creates a separate district. Karen replied she will investigate it. Commissioner Chilcott stated it is focused on new residential units. Karen stated it would be set out in the ordinance of what kind of fee for residential and commercial. John Horat asked who is going to provide an analysis for the numbers. John Meakin replied the numbers are available for national standards. The data the Committee is relying on is based on the studies provided by Tischler-Bise. Commissioner Rokosch stated the studies being done by the school districts individually is because there are different levels of bond debt, growth rates, etc.

Commissioner Chilcott left the meeting at this time due to another scheduled item.

John Horat stated he has spent hours reviewing the Corvallis School District study and there are over 50 students projected and there is a discrepancy with those numbers. Chip Pigman stated he continues to hear the fast growth of Ravalli County and now it is not growing at the moment. These decisions affect more than just growth. Commissioner Grandstaff stated these impact fees are levied on new construction. Chip replied his concern is the money will not help the impacts and they will not see it in their lifetime. Karen Mahar stated there are several questions she will have to address for the next meeting on this topic.

The Board thanked the Impact Fee Advisory Committee for their hard work.

► The Board met for discussion and decision of extension of easement for Kootenai Bridge project.

Commissioner Grandstaff read the email submitted by Tom Costen regarding the expiration of the easement agreement. He requested extension of the agreement. Commissioner Thompson asked if there is a clause in the agreement for the road to be usable but not completed. Commissioner Rokosch agreed with Commissioner Thompson. He is willing to extend it but there are some questions regarding the detour being open. As soon as the public can use the bridge, the agreement ends.

**Commissioner Rokosch made a motion to continue until September 30<sup>th</sup> at 2:30 p.m. Commissioner Driscoll seconded the motion and all voted 'aye'.**

Ravalli County Board of County Commissioners  
215 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Date

RE: Impact Fee Resolution

Dear Commissioners,

The Ravalli County Impact Advisory Committee ("Committee") is pleased to report that at the Committee's scheduled meeting on June 3, 2008, the following motion was made and passed unanimously:

"A motion to request that the Ravalli County Board of County Commissioners, at their earliest opportunity, adopt the appropriate resolution whose purpose will be to establish Ravalli County as a county-wide impact fee district in accordance with MCA 7-6-1601 et seq."

Adoption of the above ordinance or resolution will provide the foundation for implementation of impact fees that may subsequently be adopted by, and on behalf of, Ravalli County or by Ravalli County on behalf of county service districts as provided by MCA 7-6-1603(1)(b).

If the Committee can be of further assistance to you in this matter, please contact us at your convenience.

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John Meakin, Chairman

On behalf of the members of the Ravalli County Impact Fee Advisory Committee

Enclosures: Draft Resolution

## **RESOLUTION**

THIS RESOLUTION numbered \_\_\_\_\_ is made this \_\_\_\_\_ day of \_\_\_\_\_, 2008

WHEREAS, the Board of County Commissioners of Ravalli County, Montana ("Commissioners") have determined that Ravalli County is experiencing significant new residential growth and continued commercial and industrial development ("New Growth and Development"), and

WHEREAS, the need for additional county public facilities and capital improvements ("Public Facilities") required by New Growth and Development will continue and increase, and

WHEREAS, the Commissioners commissioned and received a completed Ravalli County Impact Fee Feasibility Study (TischlerBise, February 9, 2006) ("Study") that examined the potential effects generated by New Growth and Development on county buildings and certain county service districts, and

WHEREAS, it is likely that a nexus can be established between demand for Ravalli County Public Facilities and New Growth and Development, and

WHEREAS, the Study determined, inter alia, that "... (Ravalli) County has insufficient revenue to maintain and provide existing levels of service, particularly capital facilities", and

WHEREAS, the Study recommended that all New Growth and Development should contribute its fair and proportionate share towards the cost of Public Facilities necessitated by such New Growth and Development, and

WHEREAS, pursuant to the provisions of MCA 7-6-1601 et seq ("State Statutes"), incorporated by reference herein, the Commissioners believe that the interests of the citizens of Ravalli County will be best served by establishing Ravalli County as a county-wide impact fee district, and

WHEREAS, pursuant to State Statutes, Ravalli County, a local government entity, has the authority, when requested by a lawfully established county service district ("District(s)"), to collect impact fees for and on behalf of those Districts in accordance with MCA 7-6-1603(1)(b);

THEREFORE BE IT RESOLVED, that the Ravalli County Board of County Commissioners hereby establishes Ravalli County as a county-wide impact fee district.

Ravalli County Board of County Commissioners  
215 4<sup>th</sup> Street, Suite A  
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John Meakin, Chairman

On behalf of the members of the Ravalli County Impact Fee Advisory Committee

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